

REMARKS

Claims 29-66 and 70-72 are pending in the above identified patent application. Claims 35, 38-41, 45, 48-51, 55, 58-66, and 70-72 are currently withdrawn from consideration. Of the claims at issue, claims 29, 32, 42, and 52 are independent. In view of the foregoing amendments and the following remarks, reconsideration of the application is respectfully requested.

Specification

The specification has been amended to update the continuity data. While the examiner is correct in that U.S. Serial Application No. 09/394,027 is now U.S. Patent No. 6,360,487, the examiner incorrectly identifies U.S. Serial Patent No. 10/006,558 as abandoned. In fact, The Office of Petitions granted a petition to revive U.S. Serial No. 10/006,558 on November 4, 2004, and the applicants are currently awaiting an Office action from the present technology art unit. The foregoing modification should eliminate any objection to the specification.

The Rejection under 35 U.S.C. § 112

Claims 37 and 47 stands rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Claim 37 recites, *inter alia*, "...relatively rigid segments form an articulated assembly" and claim 46 recites, *inter alia*, "...plurality of plates form an articulated assembly." Both of these claim recitations are fully supported by the Specification as filed. For example, paragraph [0044] states, in part:

So as not to completely restrict the flexibility of core 32, plates 36 are segmented. For example, in some embodiments, plates 36 are simply spaced apart and/or have some angular clearance 38 to allow some relative movement of adjacent plates 36.

In other words, in this embodiment, the plates are segmented to allow relative moment (i.e., to form an articulated assembly). This embodiment is illustrated in FIG. 6 for instance.

Other embodiments of the present invention also support this claim recitation, such as the embodiment illustrated in FIGS. 19 and 20.

The foregoing should eliminate any rejection under 35 U.S.C. §112 that may have been proper.

Double Patenting Rejection

To obviate the rejection under the judicially created doctrine of double patenting, the applicants file herewith a terminal disclaimer in compliance with 37 CFR §1.321. The terminal disclaimer should eliminate any double patenting rejection that may have been proper.

The Rejections under 35 U.S.C. § 102

Claims 29-34, 36, 37, 42-44, 46, 47, 52-54, and 56-57 were rejected as anticipated by Overholt et al. (US 5,435,108). It is respectfully submitted that amended claim 29, as well as original independent claims 32, 42, and 52 are allowable over this patent for at least the reasons set forth below.

As amended, independent claim 29 is generally directed to a door that is able to recover from an impact. In particular, claim 1 recites, *inter alia*, a door panel composed of a resilient core, a flexible covering, and a plurality of adjacent relatively rigid segments interposed between the resilient core and the flexible covering.

Overholt does not disclose the recited elements, because Overholt fails to teach or suggest a plurality of adjacent relatively rigid segments as claimed. Specifically, Overholt is directed to rigid, insulated garage door panels, each panel having a foam core surrounded by a rigid thin outer metal skin. Located at the top and bottom of each panel are non-adjacent reinforcing members, utilized as anchors for securing hinges between door panels. While Overholt discloses the use of a plurality of generally U-shaped reinforcing member to provide a secure attachment point for screws, The Overholt reinforcing members are located at non-

adjacent intervals along the length of the door panel (see, for example, the location of the hinges 68 in FIG. 1), as well as non-adjacent top and bottom portions of each door panel as shown in FIG. 2 (A).

Furthermore, Overholt does not teach or suggest door panels that are resilient, or able to substantially recover their relaxed shape after impact. Rather, Overholt consistently teaches that the door panel should have “strength and rigidity,” and furthermore, that the foam core “increases the resistance of the thin metal skin door panel to deflect and warp due to impacting wind or tensile loads.” (Overholt, col. 1, ll. 42-57). In other words, Overholt contemplates the possibility of impact on the door panel, and rejects the option of making the panel resilient, but instead teaches that the door panel should be made stiffer and more rigid. Thus, Overholt simply cannot anticipate the claims at issue.

Therefore, due to the deficiencies in Overholt, it follows that Overholt cannot anticipate claim 29 or any claims dependent thereon. In particular, because Overholt does not disclose or suggest a plurality of adjacent relatively rigid segments interposed between a resilient core and a flexible covering, let alone a door panel that is able to substantially recover its relaxed shape after impact, Overholt cannot anticipate the present claims.

Independent claims 32 and 42 each recite a “plurality of relatively rigid segments operatively associated with each other.” As discussed above, while Overholt discloses a plurality of reinforcement members, each of the reinforcement members is separate and independently placed for use as a screw anchor. None of the Overholt reinforcement members are associated with any other reinforcement member on the same panel, and thus, no two reinforcement members are operatively associated with each other. Accordingly, Overholt cannot anticipate either of independent claims 32, 42, or any claim dependent thereon.

Finally, independent claim 52 recites an "articulated assembly operatively associated with at least one resilient core and the flexible covering." As discussed above, the articulated assembly may be, for example, a plurality of spaced apart plates to allow some relative movement of adjacent plates. In sharp contrast, Overholt discloses a unitary, monolithic, U-shaped channel without any articulation. Overholt simply does not teach or suggest the articulated assembly as claimed. Accordingly, Overholt cannot anticipate independent claim 52, or any claim dependent thereon.

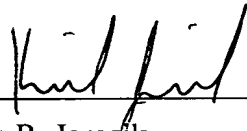
Therefore, for the foregoing reasons, it is respectfully submitted that claims 29-66 and 70-72 are in condition for allowance.

Conclusion

Reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

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